

## **Documentation of Land Use Plan Conformance and Determination of NEPA Adequacy (DNA)**

U.S. Department of the Interior  
Bureau of Land Management (BLM)  
Vermilion Cliffs National Monument  
Arizona Strip Field Office

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This worksheet is to be completed consistent with the 'Guidelines for Using the DNA Worksheet' located at the end of the worksheet. The signed CONCLUSION at the end of this worksheet is part of an interim step in the BLM's internal analysis process and does not constitute an appealable decision; however, it constitutes an administrative record to be provided as evidence in protest, appeals and legal procedures.

**A. BLM Office:** AZ-120

**Lease/Serial/Case File No.** AZ-120-2005-0066

**Proposed Action Title/Type:** Special Recreation Permit for Canyon Country Outback Tours

**Location of Proposed Action:** Vermilion Cliffs National Monument and Arizona Strip Field Office public lands.

**Description of the Proposed Action:** Authorize additional guiding activities on an existing Special Recreation Permit (SRP) held by Canyon Country Outback Tours (SRP# UT-110-03-01R). Under the current agreement between the Kanab Field Office and the Vermilion Cliffs National Monument, commercial guides may operate in both areas under a single SRP. The activities described in this document would authorize Canyon Country Outback Tours to conduct guiding operations in addition to their currently permitted activities. The existing SRP is for five years and expires on Dec. 31, 2010.

Activities would consist of vehicle tours on the Paria Plateau, Ferry Swale, and House Rock Valley. Short day hikes may be done in conjunction with these tours. The majority of trips would take place in the Vermilion Cliffs National Monument, and the remainder would take place on Arizona Strip Field Office public lands. No overnight trips are requested.

The applicant acknowledges that the demand for trips on the Paria Plateau and Ferry Swale is currently low, but is expected to increase over the next few years.

Unless otherwise specified, all trips are limited to a maximum of eight participants and two guides. The attached map shows the requested routes.

**Applicant:** Canyon Country Outback Tours

**B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans**

LUP Name: Arizona Strip District Resource Management Plan  
Date Approved: Jan 1992 (ASFORMP)

Other document: Vermilion Resource Area Implementation Plan for the Arizona Strip Approved Resource Management Plan. (VRAIP)  
Date Approved: July 1992

Other document: Paria Canyon – Vermilion Cliffs Wilderness Management Plan  
Date Approved: Sept 1986 (PCVCWMP)

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

VRAIP: RR01: Consider all applications for special recreation permits - - - subject to the constraints of this plan and the environmental assessment for the proposed use.

VRAIP: RR03: Provide recreation settings where traditional, backcountry, extensive recreation activities such as camping, hunting, and sightseeing are possible and the experience opportunities for such activities are high.

PCVCWMP: Page 12, Commercial Use, Management Objective: Commercial use will be managed to allow outfitters and guides to meet public needs as appropriate when that use is consistent with the protection of the wilderness resource.

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**C. Identify the applicable NEPA document(s) and other related documents that cover the proposed action.**

List by name and date all applicable NEPA documents that cover the proposed action.

EA No. AZ-931-93-001: Special Recreation Permits for Commercial Activities on Public Lands in Arizona

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#### **D. NEPA Adequacy Criteria**

**1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed?**

X      Yes

No

The existing EA was written specifically for this type of recreational activity. While the EA applies to a large range of guided outdoor activities, hiking and vehicle tours are mentioned specifically in the introduction section of the document (page 1), and are analyzed in both of the alternatives.

**2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances?**

X      Yes

No

There are two alternatives analyzed in the existing EA—the proposed action and no action.

Under the proposed action, SRPs would be issued on a case-by-case basis. The analysis states that resource impacts would be minimal because the BLM would have the ability to approve, deny, or modify a proposed operation, as well as modify or add to the list of stipulations that commercial operators must comply with. This offers improved resource protection over the no action alternative.

The alternative to the proposed action would be to not issue a permit. The existing EA states that denial of permits could increase illegal guiding activity and may hinder the BLM's ability to work with outfitters and monitor commercial activities. Unregulated activity could have greater resource impacts and create additional enforcement problems.

The range of alternatives analyzed in the existing EA are still valid under the current conditions and circumstances.

**3. Is existing analysis adequate in light of any new information or circumstances (including, for example, riparian proper functioning condition [PFC] reports; rangeland health standards assessments; Unified Watershed Assessment categorizations; inventory and monitoring data; most recent U.S. Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new**

**information and all new circumstances are insignificant with regard to analysis of the proposed action?**

X      Yes

No

The only changes that have happened since the existing EA was issued is the designation of the Vermilion Cliffs National Monument in November of 2000.

The proposed guiding activities are consistent with the monument proclamation and interim monument management guidance.

**4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?**

X      Yes

No

Analysis methodologies for this type of activity have not changed since the existing EA was issued.

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**5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Do the existing NEPA documents analyze impacts related to the current proposed action at a level of specificity appropriate to the proposal (plan level, programmatic level, project level)?**

X      Yes

No

The environmental impacts of the current proposed action would be similar to non-commercial hiking and vehicle touring. These impacts are identical to those identified in the Environmental Impacts section (pages 5-8) of the existing EA. Therefore, the existing analyses are adequate for the proposed action.

**6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?**

X Yes

No

In the Cumulative Impacts section (pages 8-9), the existing EA recognizes that dispersed recreation is increasing as the population increases, and that many visitors may choose to hire a guide to ease trip planning and enhance their backcountry experience.

The proposed action may result in a minor visitation increase to public lands, but the requested areas are remote, rugged, and often difficult to access. Cumulative impacts would be minimal.

The cumulative impact analysis in the existing EA is still valid.

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**7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?**

X Yes

No

The existing EA was widely distributed, including 550 copies to agencies, organizations, and individuals on the wilderness mailing list.

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**E. Interdisciplinary Analysis:** Identify those team members conducting or participating in the preparation of this worksheet.

<u>Name</u>	<u>Resource Represented</u>
Gloria Benson	Native American Coordinator
Tom Folks	Recreation
Larry Gearhart	Recreation
Laurie Ford	Lands/Realty/Minerals
Scott Franklin	Wildlife
Becky Hammond	Arizona Strip Field Office Manager
Linda Price	Vermilion Cliffs National Monument Manager
Linda Price	Standards and Guides
John Herron	Cultural
Lee Hughes	Sensitive Plants
Ray Klein	Law Enforcement, National Park Service
Bob Sandberg	Range
Richard Spotts	Environmental Coordinator, Arizona
Ron Wadsworth	Law Enforcement

**F. Mitigation Measures:** List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented.

See attached stipulations.

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## **CONCLUSIONS**

Based on the review documented above, we conclude that:

### **Plan Conformance:**

- X                      This proposal conforms to the applicable land use plan.
- This proposal does not conform to the applicable land use plan

### **Determination of NEPA Adequacy**

- X                      The existing NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.
- The existing NEPA documentation does not fully cover the proposed action. Additional NEPA documentation is needed if the project is to be further considered.

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**Vermilion Cliffs National Monument Manager**

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**Date**

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**Arizona Strip Field Office Manager**

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**Date**

## SPECIAL RECREATION PERMIT STIPULATIONS

for SRP #AZ-120-2005-0066  
Canyon Country Outback Tours

Failure to comply with the following stipulations can result in permit revocation

1. Any filming/photography of permitted activities that takes place with the express intent to sell the product back to the guided client(s) as souvenirs or training videos, etc. would be subject to a vending permit being included as part of the Special Recreation Permit. A separate Land Use Permit would be required for other commercial filming on public lands, defined in IM No. 2004-73 as, "The use of motion picture, videotaping, sound recording, or other moving image or audio recording equipment on public lands that involves the advertisement of a product or service, the creation of a product for sale, or the use of actors, models, sets, or props, but not including activities associated with broadcasts for news programs. For purposes of this definition, creation of a product for sale includes a film, videotape, television broadcast, or documentary of participants in commercial sporting or recreation event created for the purpose of generating income."
2. The permittee shall comply with all Federal, State, and local laws, ordinances, regulations, orders, postings, or written requirements applicable to the area or operations covered by the Special Recreation Permit (SRP). The permittee shall ensure that all persons operating under the authorization have obtained all required Federal, State, and local licenses or registrations. The permittee shall make every reasonable effort to ensure compliance with these requirements by all agents of the permittee and by all clients, customers, participants, or spectators under the permittee's supervision.
3. Conviction of violating federal or state statutes relating to the resources on public land (cultural, wildlife laws, etc.) may cause existing permits to be suspended or cancelled.
4. A Special Recreation Permit authorizes special uses of the public lands and related public waters and, should circumstances warrant, the permit may be modified by the BLM at any time, including the amount of use. The authorized officer may suspend or terminate a SRP if necessary to protect public resources, health, safety, the environment, or noncompliance with permit stipulations. Actions by the BLM to suspend or terminate a SRP can be appealed.
5. If it is determined by BLM that a proposed activity related to a SRP may affect a species federally listed as threatened or endangered or its designated critical habitat, BLM must either deny the permit or consult with the U.S. Fish and Wildlife Service for up to 180 days before rendering a decision. {BLM requests that permit holders notify the BLM Arizona Strip Field Office's wildlife team

lead or the condor biologist if California condors visit their worksite while permitted activities are under way. BLM may request that project activities be modified, relocated, or delayed where adverse effects to condors may result. Use of non-lead ammunition is strongly encouraged for activities that involve use of firearms. Compliance with such requests is optional.}

6. SRP holders performing prohibited acts related to grazing management (43 CFR 4140.1) may be subject to civil penalties, as well as cancellation or suspension of their Special Recreation Permit. These prohibited acts include: installing, using, maintaining, modifying, and/or removing range improvements without authorization; cutting, burning, spraying, destroying, or removing vegetation without authorization; damaging or removing U.S. property without authorization; littering; failing to reclose any gate or other entry during periods of livestock use; and interfering with lawful uses or users including obstructing free transit through or over the public lands by force, threat, intimidation, signs, barriers, or locked gates.
7. In addition to civil and criminal penalties, prohibited acts for which existing SRP permits may be either suspended or cancelled also include violation of Federal or state laws pertaining to the: placement of poisonous bait or hazardous devices designed for the destruction of wildlife; application or storage of pesticides, herbicides, or other hazardous materials; pollution of water sources; illegal take, destruction or harassment, or aiding and abetting in the illegal take, destruction, or harassment of fish and wildlife resources; and illegal removal or destruction of archeological or cultural resources.
8. Convictions for violations of specific federal wildlife statutes such as the Bald Eagle Protection Act (16 U.S.C. 668 et seq.), Endangered Species Act (16 U.S.C. 1531 et seq.), Airborne Hunting Act (16 U.S.C. 742 et seq.), or the Lacey Act (16 U.S.C. 3371 et seq.), will be grounds for BLM to reject applications for wildlife and hunting related SRPs. In the case of existing wildlife and hunting related SRPs, such convictions will result in suspension or cancellation of the permits by BLM.
9. BLM may suspend or cancel an existing SRP if the holder commits any of the acts prohibited in 43 CFR 8365 (Rules of Conduct), or violates any site specific rules posted in the area.
10. No value shall be assigned to or claimed for the permit, or for the occupancy or use of Federal lands or related waters granted thereupon. The permit privileges are not to be considered property on which the permittee shall be entitled to earn or receive any return, income, price or compensation. The use of a permit as collateral is not recognized by BLM.
11. Unless expressly stated, the SRP does not create an exclusive right of use of an area by the permittee. The permittee shall not interfere with other valid uses of



the Federal land by other users. The United States reserves the right to use any part of the area for any purpose.

12. Permittee is responsible for knowing the location of special management areas, such as Areas of Critical Environmental Concern (ACECs) and designated wilderness areas, as well as the use restrictions that apply, and complying with those use restrictions.
13. The permittee or permittee's representative may not assign, contract, or sublease any portion of the permit authorization or interest therein, directly or indirectly, voluntarily or involuntarily. However, the authorized officer may approve contracting of equipment or services in advance, if necessary to supplement a permittee's operations. Such contracting should not constitute more than half the required equipment or services for any one trip and the permittee must retain operational control of the permitted activity. If equipment or services are contracted, the permittee shall continue to be responsible for compliance with all stipulations and conditions of the permit.
14. SRP's for commercial recreation uses requiring a license from the State (i.e., outdoor youth programs, hunting guides, etc.) will be valid only when accompanied by a valid State license.
15. All advertising and representations made to the public and the authorized officer must be accurate. Although the addresses and telephone numbers of the BLM may be included in advertising materials, official agency symbols may not be used. The permittee shall not use advertising that attempts to portray or represent the activities as being conducted by the BLM. The permittee may not portray or represent the permit fee as a special Federal user's tax. The permittee must furnish the authorized officer with any current brochure and price list if requested by the authorized officer.
16. The permittee must assume responsibility for inspecting the permitted area for any existing or new hazardous conditions, e.g., trail and route conditions, land slides, avalanches, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous wildlife, or other hazards that present risks for which the permittee is responsible.
17. In the event of default on any mortgage or other indebtedness, such as bankruptcy, creditors shall not succeed to the operating rights or privileges of the permittee's SRP.
18. The permittee cannot, unless specifically authorized, erect, construct, or place any building, structure, or other fixture on public lands. Upon the permittees leaving the public lands, the lands must be restored to as nearly as possible to pre-existing conditions. If rehabilitation is required with seeding or the planting of vegetation, a BLM approved rehabilitation plan will be required and native

species will be used, whenever possible.

19. Food, water, and/or equipment caches will not be allowed unless prior approval is obtained from BLM's authorized officer. Location of proposed caches must be identified in the permittee's approved operating plan.
20. The permittee must present or display a copy of the Special Recreation Permit to an authorized officer's representative, or law enforcement personnel upon request. If required, the permittee must also display a copy of the permit or other identification tag on equipment, especially full sized vehicles and ATVs, used during the period of authorized use. The permittee and his/her agents must have with them a copy of the permit, including stipulations, when in the field and doing business or conducting operations related to this permit.
21. When contacted by law enforcement personnel, the permittee and their agents shall identify themselves as SRP holders or agents operating under a permit.
22. The authorized officer, or other duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee or the permittee's operator, employee, or agent for up to 3 years after expiration of the permit.
23. BLM reserves the right to check the public record for law convictions of any SRP applicant, permit holder, or agent.
24. The permittee must submit a Post-Use Report to the authorized officer within 30 days after the use season. This report will be used to determine if additional fees are required of the permittee based upon total permitted use. For hunting and fishing outfitters, the report is due by January 31 for every year the permit is in effect. If the permittee desires, use reports may be submitted periodically throughout the permit period.
25. The permittee may be required to furnish written permission from private property/landowners whose property/land/water is affected by the use associated with the permit.
26. The permittee must submit a Post Use Report to the Authorized Officer for every year the permit is in effect. If the post use report is not received by the established deadline, the permit will be suspended and or fines assessed.
27. The applicant/permittee is required to provide the Authorized Officer with a copy of a valid insurance policy or proof thereof covering the periods of use prior to being issued a SRP authorizing any use. The U.S. Government and the permittee must be named as additional insured on the policy. Permittee must keep insurance in effect; during any period when the insurance is not in effect or cancelled, the SRP is suspended.

28. All signs placed on public lands by the permittee must be authorized by BLM in writing. Permittee shall not construct cairns, use flagging, or paint to mark trails, unless specified in their permit. All signs and all flagging must be removed from public lands at the end of the use period.
29. Collection of prehistoric or historic artifacts is prohibited on Federal Lands and is prosecutable under the Archaeological Resources Protection Act. (Historic artifacts are those more than 50 years old). Disturbance, defacement, or excavation of prehistoric and historic sites is also prohibited. Disturbance of human graves of natives is a violation of the Native American Graves Protection and Repatriation Act.
30. Harassment of livestock, wildlife, wild horses or burros, or destruction of private and public improvements such as fences and gates is prohibited. Gates will be left open or closed, as they are found.
31. The permittee will practice proper precautions for noxious weed spread using certified weed-free feed and bedding for livestock and/or dogs. In addition, all machinery (street legal motorized vehicles, tractors, non-street legal all terrain vehicles, dirt bikes, etc) that has been used outside the Arizona Strip must be cleaned prior to use on the Arizona Strip in order to prevent the possible introduction and spread of noxious weeds.
32. All motor vehicle use will comply with applicable off-highway vehicle regulations.
33. Permittees shall not leave personal property unattended longer than {ten days} unless otherwise authorized.
34. The permittee is at all times responsible for the actions of himself, his employees, and guests in connection with the authorized operations, and shall not cause a public disturbance or engage in activities which create a hazard or nuisance.
35. Permittee shall not construct new trails, or maintain existing trails without written authorization.
36. The permittee shall notify the authorized officer of any accident which occurs while involved in activities authorized by this permit which results in: death, personal injury requiring hospitalization or emergency evacuation, or in property damage greater than \$2,500. Reports must be submitted to BLM within 48 hours in the case of death or injury, and within 10 days in accidents involving property damage.
37. Use of explosives, pyrotechnics, and fireworks is prohibited.

- 38. Shooting at rocks, signs, trees, or non-game animals for target practice is prohibited.
- 39. Sheep species are not allowed for pack use.
- 40. If a permittee is found to not be in compliance with any of the standard, specialized, and general stipulations listed and included on his/her SRP, the authorized officer may suspend or cancel the permit.

**OVERNIGHT CAMPING STIPULATIONS:**

- 41. No overnight camping is allowed.

**STIPULATIONS ON THE USE OF FIRE and FIRE SAFETY:**

- 42. Fires are not allowed.

**SPECIAL STIPULATIONS THAT APPLY TO THE VERMILION CLIFFS NATIONAL MONUMENT:**

- 43. Within the Vermilion Cliffs National Monument, collection of Monument resources, objects, rocks, petrified wood, fossils, plants, parts of plants, animals, fish, insects, or other invertebrate animals, parts of animals, and other items is prohibited. This SRP does not give authorization to appropriate, injure, destroy, or remove any feature of this monument, or to locate or settle upon any of the lands thereof.

**SPECIAL STIPULATIONS THAT APPLY TO VEHICLE TOURS:**

- 44. Permittee is responsible for the proper cleanup of all trash, vehicle fluid (including, but limited to, fuel, motor oil, hydraulic fluid, gear oil, and coolants), vehicle parts, etc., prior to submission of the Post-Use Report and prior to the release of any required posted bond.
- 45. Inflicting damage to live standing trees is prohibited. The use of fabric tow straps when using trees as winch anchor points is required in order to protect the tree bark.